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Attorney's Docket No.: 15786-035001

REMARKS

I. Introduction

In response to the Office Action dated July 14, 2005, Applicant has amended claims 1, 3, 8-9, 11-12, 15, 19-23, 25, 27 and 30-33 so as to further clarify the claimed invention. New claims 34-39 are added. Support for these amendments can be found, for example, in Figs. 3 and 5-7, and their corresponding section(s) of the specification. No new matter has been entered.

For the reasons set forth below, Applicant respectfully submits that all pending claims are patentable over the cited prior art references.

II. The Rejection Of Claims 1-33 Under 35 U.S.C. § 103

Claims 1-33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over USP No. 5,255,352 to Falk in view of USP No. 6,526,550 to Badding. Applicant respectfully traverses this rejection for at least the following reasons.

As a preliminary matter, Applicant notes that the pending rejection references various portions of Falk and Badding as allegedly disclosing the claimed features, but does not identify precisely *which* elements or functions of Falk or Badding are being read on the respective claimed features. If the pending rejection is maintained, it is respectfully requested that the next Office Action identify how the specific element (and its functionality) of Falk or Badding reads on each and every limitation recited in the pending claims so as afford the Applicant an opportunity to understand how the cited references are construed, and to address the alleged elements identified as corresponding to the pending claims.

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Nonetheless, Applicant respectfully submits that Falk and Badding, taken alone or in combination, do not disclose or suggest the claimed invention. Specifically, claim 1 recites in part "*automatically modifying at least one of the pattern and the plurality of features* to be continuously included within the boundary of the modified CAD geometry piece, based at least upon the modified CAD geometry piece and the received input."

While Falk discloses providing a two-dimensional texture image, and creating a three-dimensional object by texture-mapping the two-dimensional texture image (see, col. 2, line 64 to col. 3, line 31), the Examiner admits that Falk does not disclose the foregoing claim limitation. Col. 3, lines 3-25, col. 5, lines 20-36 and col. 8, lines 30-56 of Badding are relied upon to cure these deficiencies.

Badding is directed to analyzing a baseline geometry, where the geometry is defined using a plurality of geometric elements (see, col. 2, 46-47). Badding discloses utilizing element identifiers for identifying each geometric element (see, col. 2, lines 47-50). Badding further discloses mapping the element identifiers using analyzer identifiers, and applying a mesh and boundary condition(s) to each analyzer identifier and geometric element so as to perform a structural/thermal analysis (see, col. 2, lines 50-62 and col. 3, lines 3-25).

However, as discussed above, without specifically identifying (in both references) the corresponding element and the relevancy thereof in Badding to support such allegation, it is difficult for the Applicant to provide a proper rebuttal. As best understood, to broadly read the geometry disclosed in Badding onto the pending claims, though not explicitly stated, the rejection appears to assume that the mesh specification disclosed at the cited section of Badding

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(i.e., col. 5, lines 20-36) corresponds to the claimed pattern and features. Applicant respectfully disagrees.

Specifically, Badding discloses breaking a geometry into small units by applying a mesh thereto (see, col. 1, lines 24-26) so that equations governing the structural and thermal characteristics of the geometry can be applied to each mesh unit and solved in an iterative fashion to generate a solution for the geometry (see, col. 1, lines 26-31). That is, the mesh disclosed in Badding is not a physical feature related to the actual geometry (i.e., the mesh is not a part of the geometry). Indeed, the mesh is merely applied to divide the geometry into different units so that any alteration to an element (altered element) in a specific unit can be analyzed (or re-analyzed) for the purpose of performing structural, stress and thermal gradient analysis (see, col. 2, lines 59-62). Badding also makes this objective clear at col. 4, lines 19-20 and col. 7, lines 37-38; namely, "... a mesh generator 120 [is] for *dividing* the geometry into mesh units" and "... a mesh or *grid* is applied ... using the mesh generator 120."

Thus, for all of the foregoing reasons, it is respectfully submitted that Badding does not disclose a "pattern comprising a plurality of features included within a boundary of the CAD geometry piece" as required by claim 1.

To assist the Examiner in understanding the foregoing distinction and in an effort to advance prosecution, claim 1 has been amended to recite "where a feature corresponds to a feature of the CAD geometry piece." Indeed, Badding, at best, discloses applying a mesh to an initial or altered geometry, and determining a spacing rule of the mesh. However, as is evident,

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the mesh, in itself, is not a feature of the geometry, and nothing in the disclosure of Badding suggest otherwise.

Also, Falk does not cure this defect of Badding, as the Examiner has already acknowledged the absence of the foregoing claimed feature in Falk (see, page 2 of Office Action). Further, the pattern piece disclosed in Falk is merely a part of a software graphical drawing designed using a CAD system (see, col. 1, lines 66-68), and does not comprise, in itself, any feature (or features) corresponding to the actual garment.

Accordingly, Applicant respectfully submits that Falk and Badding, taken alone or in combination, do not disclose the claimed pattern and features. The Examiner is again directed to M.P.E.P § 2143.03 under the section entitled "All Claim Limitations Must Be Taught or Suggested," which sets forth the applicable standard:

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (citing *In re Royka*, 180 USPQ 580 (CCPA 1974)).

In the instant case, the pending rejection does not "establish *prima facie* obviousness of [the] claimed invention" as recited in claim 1, because the proposed combination fails the "all the claim limitations" standard required under the meaning of § 103. As the combination of Falk and Badding fails to disclose each and every limitation, it is respectfully submitted that claim 1 is patentable over the cited prior art.

With respect to claims 12 and 23, as these claims have also been amended to recite "where a feature corresponds to a feature of the CAD geometry piece," it is respectfully submitted that claims 12 and 23 are patentable over the cited prior art for analogous reasons discussed with respect to claim 1.

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III. All Dependent Claims Are Allowable Because The Independent Claims From Which They Depend Are Allowable

Under Federal Circuit guidelines, a dependent claim is neither anticipated nor rendered obvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims. *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as independent claims 1, 12 and 23 are patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also in condition for allowance.

With respect to new claims 34-39, it is respectfully submitted that these claims are also allowable by virtue of their dependence on allowable claims 1, 12 and 23.

IV. Conclusion

Accordingly, it is urged that the application is in condition for allowance, an indication of which is respectfully solicited.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicant's attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 06-1050 and please credit any excess fees to such deposit account.

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Respectfully submitted,


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